

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

JOHN CHEN, )  
                  )  
                  )  
Plaintiff,     )  
                  )  
                  )  
v.               ) Case No. CIV-15-1246-D  
                  )  
                  )  
FEDERAL BUREAU OF PRISONS,     )  
*et al.*,         )  
                  )  
                  )  
Defendants.     )

**O R D E R**

This matter is before the Court for review of the Report and Recommendation issued by United States Magistrate Judge Charles B. Goodwin pursuant to 28 U.S.C. § 636(b). Judge Goodwin recommends a dismissal of this action without prejudice due to Plaintiff's failure to prosecute his case. Judge Goodwin finds that Plaintiff has failed to comply with the Order of November 18, 2015 [Doc. No. 4], directing him to file a proper form of complaint and either pay the filing fee or submit an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915, and has failed to take any further steps to proceed in this case.

Plaintiff has neither filed a timely objection to the Report nor requested additional time to object, although he was advised of his rights and given notice of the waiver rule. Under the circumstances shown by the case record, the Court finds that Plaintiff has waived further judicial review. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); *see also United States v. 2121 East 30th Street*, 73 F.3d 1057, 1060 (10th Cir. 1996).

IT IS THEREFORE ORDERED that the Report and Recommendation [Doc. No. 5] is ADOPTED in its entirety. This action is DISMISSED without prejudice to refiling and without the imposition of fees or costs. A separate judgment of dismissal shall be entered.

IT IS SO ORDERED this 25<sup>th</sup> day of February, 2016.



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TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE